

Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

VENICE PI, LLC,

Plaintiff,

V.

DAVID MEINERT;
JULIE DEUTSCH;
KURT EICHMEIER;
TRISHA BRAUN;
HECTOR ZAPATA; and
DIAMOND HALE,

Civil Action No. 17-cv-1403TSZ

**PLAINTIFF'S NOTICE OF VOLUNTARY
DISMISSAL OF DEFENDANTS**

Defendants.

In “John Doe” copyright cases of the present type, this Court has previously required a plaintiff to name a defendant once the account name for the IP address is known, stating that the plaintiff can seek leave to amend later if discovery shows it to be necessary. *E.g., Cobbler v. James*, Case No. 15-cv-1430TSZ (January 26, 2016, Dkt. 16); *see also Dallas Buyers Club v. Does*, Case No. 15-cv-134RAJ (and others) (Dkt. 48). Requests to conduct more particularized discovery before naming a defendant have been denied. At the time this action was filed, Plaintiff proceeded in this fashion, with the understanding that the complaint satisfied all pleading requirements.

After this action was filed, the Court issued an order precluding Plaintiff from conducting any discovery while also ordering Plaintiff to provide an offer of proof with respect to several

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INIP-6-0102P16 NOTVDismiss

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1 assertions in the case. (E.g., Dkts. 14, 53) Plaintiff responded to this order, and others, and sought
 2 leave to resume the proceedings. (E.g., Dkts. 17, 37, 46, 51, 54). Since the time this action was
 3 filed, Plaintiff has not been allowed to conduct discovery beyond the service of a subpoena to
 4 secure the name of the ISP account holder.

5 More than a year after the present complaint was filed, the Ninth Circuit issued a decision
 6 which this Court describes as requiring the pleading in the complaint of “something more” to tie
 7 the account holder to the infringing conduct. *Cobbler Nevada, LLC v. Gonzales*, 901 F.3d 1142
 8 (9th Cir. 2018). Plaintiff has not been afforded any opportunity to timely conduct discovery into
 9 such matters, and believes that in cases of this type a plaintiff should be allowed to gather facts
 10 using Court-sanctioned discovery while it is still ripe. In this case, however, given the passage of
 11 more than two years since the filing of the complaint, Plaintiff believes any meaningful
 12 opportunities to obtain such discovery are now lost.

13 Mindful of the foregoing and in an effort to conserve judicial and party resources, pursuant
 14 to Rule 41(a)(1)(A)(i), Plaintiff hereby dismisses its claims against Defendants Deutsch, Braun,
 15 Zapata and Hale without prejudice.

16 s/ David A. Lowe, WSBA No. 24,453

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 22 PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL OF
 23 DEFENDANTS - 2

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